



TOP 10 E-MAIL & PHONE QUERIES ON FAA/PBIP I HAVE RECEIVED IN THE LAST FIVE YEARS

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1. *When you conduct an FAA*
 - a. *As a BICM, I can't refuse to conduct an FAA, right?*
 - b. *I don't have to do an FAA if the behavior has only occurred one time, right?*

It Depends!

According to the Education Code, Functional Analysis Assessment is always required when an “emergency intervention” has been used to contain a serious behavior, even if it only occurred one time, unless the IEP team meets and writes a justification as to why one is felt to be not required.

An emergency intervention requires physical restraint and other actions to prevent harm to the student and others from occurring. An emergency intervention is NOT calling the parent, asking the student to sit down, or calling the police because you heard from peers about a threat. An emergency requires careful physical restraints to assure the safety and welfare of the students and others at the time of the behavior.

If you have reason to suspect that a one-time behavior, that may or may not have required an emergency intervention, is likely to occur again, AND if that behavior meets the Ed Code criteria for “serious”, you should conduct the functional analysis assessment.

2. *As a parent, I can ask for an FAA, right?*

Yes!

3. *If a parent asks, we must do the assessment, right?*

No!

Parents can ask for any assessment, academics, social emotional, behavioral, etc. We must either develop an assessment plan and conduct the assessment, or explain in writing why we are declining to conduct the assessment.

It specifically states that the parent can ask for a FAA in the Ed Code. Therefore, many parents and advocates have come forth asking for this assessment. We conduct FAA when the behavior is serious and lesser efforts (BSP) have been unsuccessful.

4. *Serious behavior is not defined in Ed Code, right? Therefore any behavior can be considered “serious.”*

NO! The current definition reads: (aa) “ ‘Serious behavior problems’ means the individual's behaviors which are self-injurious, assaultive, or cause serious property damage and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's IEP are found to be ineffective.”

The definition of “serious” is specifically defined:

- **Assaultive**

Assaultive is not defined in Ed Code. Consider true, premeditative strong physical attacks, as “assaultive” behaviors. Do not consider behaviors of lesser physical acting out assaultive. For example:

- Pushing and shoving by 2nd graders in a line
- Brief fist fights of two boys fighting over a basketball call

- **Self-injurious**

Self-injurious is not defined in Ed Code. Consider behaviors that harm the student by willful inflicting of injury to self in the school setting. Do not consider behaviors such as:

- Cutting as “self-injurious” for the purpose of a PBIP. This behavior primarily requires mental health treatment planning, not behavior support to change the behavior. Also this behavior is not likely to be occurring in school.
- Alcohol or substance abuse occurring outside of school. These behaviors require substance abuse counseling and mental health services.

- **Serious property damage**

Serious property damage is not defined in Ed Code. Consider behaviors that result in expensive damage to furniture, equipment, appliances, and so forth. Do not consider breaking pencils and defacing notebooks under this category.

- **Other pervasive maladaptive behaviors**

Other pervasive maladaptive behaviors are not further defined in Ed Code. This is a difficult area. Consider only those behaviors of a serious nature, occurring with high frequency or across several environments as requiring an FAA. Other behaviors can be addressed with the BSP. Consider behaviors that impede achievement of IEP goals and objectives and impair quality of life. Examples include disrobing; pica; repetitive spitting; repetitive tics interfering with participation, etc.)

- **...for which instructional/behavioral approaches specified in the student's IEP are found to be ineffective.”**

In other words, when the BSP is ineffective and the behavior is one of the behaviors mentioned above (assaultive, self-injurious, serious property damage, other pervasive maladaptive behaviors) the team will need to add on a BICM and begin the FAA process.

5. *Serious behavior could be occurring in other environments and we have to do assessments of those behaviors in those environments if requested, right?*

It depends!

“Serious” behavior, required to be addressed by CA Ed Code, must occur in a school setting. If the behavior occurs during school hours, we must address it. If it occurs during extracurricular activities, on the bus, or on a job site, this is school related, supervised by school employees and therefore we must address the behavior.

Federal IDEA Correlates: Any suspension past 10 days in a school year requires an FBA. Any recurring behaviors that “impede the learning of the student or others” requires consideration of positive behavioral interventions, strategies and supports---which might be called a Behavior Support Plan to differentiate it from a Positive Behavioral Intervention Plan (PBIP) required following an FAA in California.

6. *Qualifications to be a BICM*

- a. *You have to be licensed by the state to be a BICM, right?*

No, a state license is not required.

- b. *You must have “documented training in positive behavioral interventions” to be a BICM, right?*

Yes, you must have SELPA approved as having documented training in positive behavioral interventions.

- c. *Documented training is uniform throughout the state, right?*

No, what constitutes “documented training” is up to the SELPAs to determine.

Background

The person who conducts, or supervises the Functional Analysis Assessment is called the behavior intervention case manager (BICM). The "documented training in positive behavioral interventions" required by CA Ed Code to serve as BICM is wide open and completely subject to the Special Education Local Plan Area (SELPA) interpretation. Only the SELPA can designate who is and who is not qualified serve this BICM role. There are no educational credentialing requirements in California for this role. SELPAs are obligated to maintain lists of who is authorized to perform that function. In the case of Non-public School Staff performing FAAs, whichever SELPAs the NPS serves should remember to include qualified NPS staff on their lists of BICMs authorized to conduct these assessments, which become part of the student’s IEP to comply with Ca Ed Code. Training varies widely from SELPA to SELPA. Adequacy of training is determined by whether the BICM has met SELPA requirements. Some SELPAs accept all or some positions, such as psychologists, program specialists or experienced teachers on the merit of their graduate program, while others have tests and trainings. This is completely a regional decision.

Response to Client Inquiries

“In our SELPA, our documented training is satisfied by XX. I have met this requirement by XX (Examples to cite: passing our SELPA test; completing XX hours of training; taking extensive college work in behavior; attending multiple trainings by Diana Browning Wright and others; being a member of PENT, being CAL-ABA certified, earning the CASP CATS in Behavior, etc.)

7. *What do you mean you haven't written a behavior plan after the Functional Analysis? Shouldn't you have come to the IEP meeting with a positive behavioral intervention plan completed?*

No, you should NOT come to the IEP meeting with a pre-written PBIP.

All assessment is determined by, and ultimately supervised by, the IEP team. The BICM is requested to join the IEP team when “serious” behavior is present. The IEP team develops the assessment plan determining what assessment is necessary in this process. Normal IEP timelines occur, including 50 days to complete the assessment after parent permission has been received and report back to the IEP team. The BICM presents results of the FAA to the IEP team and makes a recommendation as to whether or not a positive behavioral intervention plan is warranted. If the IEP team determines a PBIP is warranted, the entire team develops the PBIP with all members contributing. NO ONE PERSON WRITES A PLAN.

8. *You can't do a functional assessment of a behavior that you didn't observe, especially if it occurred only once if it is a violent outburst, drug related or involved a gun.*

No, you can do a functional assessment of any behavior.

You can do an analysis of any behavior to retrospectively or concurrently hypothesize the function of the behavior. All assessment of all types, should consider three sources of information: interviews, review of records, and direct observation. If a behavior has occurred only once, retrospective analysis will be required, as on-going data collection is not possible. Interview those who were present, those who know the student well, and the student whenever possible. Review written records about the student, and directly observe the setting at the time of the incident looking for variables that support this student choosing the problem behavior.

9. *You **MUST** do a functional analysis assessment if the student commits an expellable offense because it is automatically a “serious behavior.”*

No, an offense can result in a recommendation for expulsion but not constitute “serious” by CA Ed Code and require an FAA and PBIP.

“Serious” is not intuitively determined, it must be a behavior from one of the three categories, “assaultive, self-injurious or other pervasive maladaptive behavior.” For example, discovery of a knife in a backpack may result in an expulsion recommendation, but may not fit the definition of “serious”. (No assault took place, self-injury did not occur; this behavior is not pervasive because it never happened before!)

10. *A Functional Behavior Assessment on the 11th day of suspension or when an involuntary placement change or expulsion is being considered must be conducted by a BICM, right?*

No. BICM is from California Ed Code. FBA is from Federal IDEA.

You must conduct a **functional behavioral assessment** if you are considering expulsion or involuntary placement change according to federal law, but there is no language as to a specific person conducting the assessment. This is an IEP function and can be conducted by whomever the IEP team designates. An FBA does not have to be conducted by a BICM, but of course this may be a logical choice to coordinate data collection given that person's familiarity with the applied behavior analysis paradigm. This "FBA" is often a brief retrospective analysis requiring very little documentation of data collection procedures.